

AMENDED IN ASSEMBLY JANUARY 9, 2002

AMENDED IN ASSEMBLY APRIL 2, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 310

Introduced by Assembly Member Goldberg

February 16, 2001

An act to amend Section ~~66477 of the Government Code~~ 3054 of the Penal Code, relating to ~~subdivisions~~ *parolees*.

LEGISLATIVE COUNSEL'S DIGEST

AB 310, as amended, Goldberg. ~~Quimby Act: fees for park or recreational facilities~~ *Female parolees: parole violation: reintegration program in lieu of incarceration.*

Existing law provides that the Department of Corrections shall establish three pilot programs that provide intensive training and counseling programs for female parolees to assist in the successful reintegration of those parolees into the community upon release or discharge from prison and after completion of in-prison therapeutic community substance abuse treatment programs.

This bill would provide that, with respect to a female parolee who violates her parole, the Board of Prison Terms may revoke parole and order initial or continued participation in the above described program, in lieu of incarceration, provided the department approves the program participation, the parolee meets all eligibility criteria for the program, and the parole violation was nonviolent.

~~The Quimby Act authorizes the legislative body of a city or county to require, by ordinance, the dedication of land or the imposition of fees~~

~~for park or recreational purposes as a condition to the approval of a tentative or parcel subdivision map. The act also requires, among other things, that the land or fees be conveyed or paid directly to the local public agency that provides park and recreational services on a communitywide level and to the area within which the proposed development will be located.~~

~~This bill would, in addition, provide an alternative arrangement, if the developer of the subdivision pays a fee in lieu of a dedication of land, that would authorize the local public agency to use the funds for an area outside the subdivision if specified requirements are met.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 66477 of the Government Code is~~
2 SECTION 1. Section 3054 of the Penal Code is amended to
3 read:
4 3054. (a) (1) The Department of Corrections shall establish
5 three pilot programs that provide intensive training and counseling
6 programs for female parolees to assist in the successful
7 reintegration of those parolees into the community upon release or
8 discharge from prison and after completion of in-prison
9 therapeutic community substance abuse treatment programs.
10 (2) The Director of Corrections shall determine the counties in
11 which the pilot programs are established.
12 (b) (1) The services offered in the pilot programs may include,
13 but shall not be limited to, drug and alcohol abuse treatment,
14 cognitive skills development, education, life skills, job skills,
15 victim impact awareness, anger management, family
16 reunification, counseling, vocational training and support,
17 residential care, and placement in affordable housing and
18 employment opportunities.
19 (2) Ancillary services such as child care and reimbursement of
20 transportation costs shall be provided to the extent necessary to
21 permit full participation by female offenders in employment
22 assistance, substance abuse treatment, and other program
23 elements.
24 (3) The pilot programs shall include a case management
25 component to assess the social services and other needs of



1 participating in the social services, education, job training, and
2 other programs most likely to result in their recovery and
3 employment success.

4 (c) *With respect to a female parolee who violates her parole, the*
5 *Board of Prison Terms may revoke parole and order initial or*
6 *continued participation in a program under this section, in lieu of*
7 *incarceration pursuant to Section 3060, provided the department*
8 *approves the program participation, the parolee meets all*
9 *eligibility criteria for the program, and the parole violation was*
10 *nonviolent.*

11 (d) Subject to appropriation of funds, the department is
12 authorized to enter into contracts, or amend existing contracts, for
13 community residential treatment services for offenders and minor
14 children in an offender's custody in order to carry out the goals
15 stated in paragraph (1) of subdivision (a).

16 ~~(d)~~

17 (e) (1) It is the intent of the Legislature that the programs
18 demonstrate the cost-effectiveness of providing the enhanced
19 services described in subdivision (b), based upon an annual
20 evaluation of a representative sample of female parolees, in order
21 to determine the impact of these services upon the criminal
22 recidivism, employment, and welfare dependency of the offenders
23 and their families.

24 (2) The department, with the assistance of an independent
25 consultant with expertise in criminal justice programs, shall
26 complete a report evaluating the cost-effectiveness of the pilot
27 programs in regard to the effect of the programs (A) on the
28 recidivism of participating female offenders compared with a
29 comparable nonparticipating group of female offenders and (B) on
30 the employment of female offenders and the welfare dependency
31 of a female offender's family. The report shall be provided to the
32 Governor and the Chairperson of the Joint Legislative Budget
33 Committee and the chairpersons of the fiscal committees of both
34 houses of the Legislature by January 1, 2002.

35 ~~amended to read:~~

36 ~~66477. (a) The legislative body of a city or county may, by~~
37 ~~ordinance, require the dedication of land or impose a requirement~~
38 ~~of the payment of fees in lieu thereof, or a combination of both, for~~
39 ~~park or recreational purposes as a condition to the approval of a~~

1 tentative map or parcel map, if all of the following requirements
2 are met:

3 (1) ~~The ordinance has been in effect for a period of 30 days~~
4 ~~prior to the filing of the tentative map of the subdivision or parcel~~
5 ~~map.~~

6 (2) ~~The ordinance includes definite standards for determining~~
7 ~~the proportion of a subdivision to be dedicated and the amount of~~
8 ~~any fee to be paid in lieu thereof. The amount of land dedicated or~~
9 ~~fees paid shall be based upon the residential density, which shall~~
10 ~~be determined on the basis of the approved or conditionally~~
11 ~~approved tentative map or parcel map and the average number of~~
12 ~~persons per household. There shall be a rebuttable presumption~~
13 ~~that the average number of persons per household by units in a~~
14 ~~structure is the same as that disclosed by the most recent available~~
15 ~~federal census or a census taken pursuant to Chapter 17~~
16 ~~(commencing with Section 40200) of Part 2 of Division 3 of Title~~
17 ~~4. However, the dedication of land, or the payment of fees, or both,~~
18 ~~shall not exceed the proportionate amount necessary to provide~~
19 ~~three acres of park area per 1,000 persons residing within a~~
20 ~~subdivision subject to this section, unless the amount of existing~~
21 ~~neighborhood and community park area, as calculated pursuant to~~
22 ~~this subdivision, exceeds that limit, in which case the legislative~~
23 ~~body may adopt the calculated amount as a higher standard not to~~
24 ~~exceed five acres per 1,000 persons residing within a subdivision~~
25 ~~subject to this section.~~

26 (A) ~~The park area per 1,000 members of the population of the~~
27 ~~city, county, or local public agency shall be derived from the ratio~~
28 ~~that the amount of neighborhood and community park acreage~~
29 ~~bears to the total population of the city, county, or local public~~
30 ~~agency as shown in the most recent available federal census. The~~
31 ~~amount of neighborhood and community park acreage shall be the~~
32 ~~actual acreage of existing neighborhood and community parks of~~
33 ~~the city, county, or local public agency as shown on its records,~~
34 ~~plans, recreational element, maps, or reports as of the date of the~~
35 ~~most recent available federal census.~~

36 (B) ~~For cities incorporated after the date of the most recent~~
37 ~~available federal census, the park area per 1,000 members of the~~
38 ~~population of the city shall be derived from the ratio that the~~
39 ~~amount of neighborhood and community park acreage shown on~~
40 ~~the records, maps, or reports of the county in which the newly~~

1 incorporated city is located bears to the total population of the new
2 city as determined pursuant to Section 11005 of the Revenue and
3 Taxation Code. In making any subsequent calculations pursuant to
4 this section, the county in which the newly incorporated city is
5 located shall not include the figures pertaining to the new city
6 which were calculated pursuant to this paragraph. Fees shall be
7 payable at the time of the recording of the final map or parcel map
8 or at a later time as may be prescribed by local ordinance.

9 (3) The land, fees, or combination thereof are to be used only
10 for the purpose of developing new or rehabilitating existing
11 neighborhood or community park or recreational facilities to serve
12 the subdivision.

13 (4) The legislative body has adopted a general plan or specific
14 plan containing policies and standards for parks and recreation
15 facilities, and the park and recreational facilities are in accordance
16 with definite principles and standards.

17 (5) The amount and location of land to be dedicated or the fees
18 to be paid shall bear a reasonable relationship to the use of the park
19 and recreational facilities by the future inhabitants of the
20 subdivision.

21 (6) The city, county, or other local public agency to which the
22 land or fees are conveyed or paid shall develop a schedule
23 specifying how, when, and where it will use the land or fees, or
24 both, to develop park or recreational facilities to serve the residents
25 of the subdivision. Any fees collected under the ordinance shall be
26 committed within five years after the payment of the fees or the
27 issuance of building permits on one-half of the lots created by the
28 subdivision, whichever occurs later. If the fees are not committed,
29 they, without any deductions, shall be distributed and paid to the
30 then record owners of the subdivision in the same proportion that
31 the size of their lot bears to the total area of all lots within the
32 subdivision.

33 (7) Only the payment of fees may be required in subdivisions
34 containing 50 parcels or less, except that when a condominium
35 project, stock cooperative, or community apartment project, as
36 those terms are defined in Section 1351 of the Civil Code, exceeds
37 50 dwelling units, dedication of land may be required
38 notwithstanding that the number of parcels may be less than 50.

39 (8) Subdivisions containing less than five parcels and not used
40 for residential purposes shall be exempted from the requirements

1 of this section. However, in that event, a condition may be placed
2 on the approval of a parcel map that if a building permit is
3 requested for construction of a residential structure or structures
4 on one or more of the parcels within four years, the fee may be
5 required to be paid by the owner of each parcel as a condition of
6 the issuance of the permit.

7 (9) ~~If the subdivider provides park and recreational~~
8 ~~improvements to the dedicated land, the value of the~~
9 ~~improvements together with any equipment located thereon shall~~
10 ~~be a credit against the payment of fees or dedication of land~~
11 ~~required by the ordinance.~~

12 (b) ~~Land or fees required under this section shall be conveyed~~
13 ~~or paid directly to the local public agency that provides park and~~
14 ~~recreational services on a communitywide level and to the area~~
15 ~~within which the proposed development will be located, if that~~
16 ~~agency elects to accept the land or fee. The local agency accepting~~
17 ~~the land or funds shall develop the land or use the funds in the~~
18 ~~manner provided in this section. As an alternative arrangement, if~~
19 ~~the developer of the subdivision pays a fee in lieu of a dedication~~
20 ~~of land, the local public agency may accept the fee and elect to use~~
21 ~~funds to develop park land or recreational facilities in an area~~
22 ~~outside of the subdivision, provided that all of the following~~
23 ~~requirements are met:~~

24 (1) ~~Park acreage in the area in which the subdivision is located~~
25 ~~meets or exceeds the requirement that there be three acres of park~~
26 ~~area per 1,000 persons residing within the subdivision.~~

27 (2) ~~Park acreage in the area outside the subdivision is~~
28 ~~insufficient to meet the standard of three acres of park area per~~
29 ~~1,000 persons.~~

30 (3) ~~The average number of persons per acre in the census tract~~
31 ~~in the area outside the subdivision as shown in the most recent~~
32 ~~available federal census exceeds by at least three times the average~~
33 ~~number of persons per acre in the city or county.~~

34 (4) ~~The legislative body has adopted a general plan or a specific~~
35 ~~plan indicating how and where park area at three acres of park area~~
36 ~~per 1,000 persons should be located to accommodate the park~~
37 ~~needs of the overall population of the jurisdiction.~~

38 (5) ~~A finding of public benefit and benefit to the residents of the~~
39 ~~subdivision has been made by the legislative body justifying the~~
40 ~~use of funds outside the area in which the subdivision is located.~~

1 ~~(6) Park land or recreational facilities planned for development~~
2 ~~outside the subdivision to be financed in whole or part using the~~
3 ~~funds is within the boundaries of the same jurisdiction as the~~
4 ~~subdivision.~~

5 ~~(e) If park and recreational services and facilities are provided~~
6 ~~by a public agency other than a city or a county, the amount and~~
7 ~~location of land to be dedicated or fees to be paid shall, subject to~~
8 ~~paragraph (2) of subdivision (a), be jointly determined by the city~~
9 ~~or county having jurisdiction and that other public agency.~~

10 ~~(d) This section does not apply to commercial or industrial~~
11 ~~subdivisions or to condominium projects or stock cooperatives~~
12 ~~that consist of the subdivision of airspace in an existing apartment~~
13 ~~building that is more than five years old when no new dwelling~~
14 ~~units are added.~~

15 ~~(e) Common interest developments, as defined in Section 1351~~
16 ~~of the Civil Code, shall be eligible to receive a credit, as~~
17 ~~determined by the legislative body, against the amount of land~~
18 ~~required to be dedicated, or the amount of the fee imposed,~~
19 ~~pursuant to this section, for the value of private open space within~~
20 ~~the development which is usable for active recreational uses.~~

21 ~~(f) Park and recreation purposes shall include land and~~
22 ~~facilities for the activity of "recreational community gardening,"~~
23 ~~which activity consists of the cultivation by persons other than, or~~
24 ~~in addition to, the owner of the land, of plant material not for sale.~~

25 ~~(g) This section shall be known and may be cited as the Quimby~~
26 ~~Act.~~

